

# **THE BOARD OF EXAMINERS OF PSYCHOLOGY MINUTES**

January 5, 2004

A regular meeting of the Board of Examiners of Psychology was held at the Division of Occupations, 911 Leawood Drive, Frankfort, Kentucky on January 5, 2004.

## **MEMBERS PRESENT**

Tracy Dwight Eells, Ph.D., Chair  
Henry S. Davis, Ph.D., Vice Chair  
S. Abby Shapiro, Ph.D.  
Diane Sobel, Ph.D.  
Richard Applegate, M.A.  
Courtney N. Spear, M.A.  
Barbara Kay Jefferson, Ph.D.  
Andrew B. Jones, Jr., Ph.D.

## **OCCUPATIONS & PROFESSIONS STAFF**

Nancy L. Black, Executive Director  
Wendy Satterly, Board Administrator

## **OTHERS PRESENT**

Mark Brengelman, Assistant Attorney General  
Lea Jean Perritt, Ph.D.  
Nancy Gordon Moore, Ph.D.

## **MEMBERS ABSENT**

Ruth Bauman

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## **CALL TO ORDER**

Tracy Dwight Eells, M.B.A., Ph.D., Chair called the meeting to order at 10:05 a.m.

## **OATH OF OFFICE**

Nancy L. Black administered the Oath of Office to Barbara Kay Jefferson, Ph.D, newly appointed member of the Board.

## **PRESENTATION**

Dr. Eells presented a plaque on behalf of the Board to outgoing member Lea Jean Perritt, Ph.D. Dr. Eells thanked Dr Perritt for her outstanding service and dedication to the Board over her years of service as member of the Board.

## **MINUTES**

The minutes of the December 1, 2003, meeting, were called to the attention of the members. A motion was made by Ms. Spear to approve the minutes, as amended. Motion, seconded by Dr. Shapiro, carried.

## **FINANCIAL STATEMENT**

The Board reviewed the financial statement indicating a balance of \$110,552.38 as of December 31, 2003. A motion was made by Dr. Davis to accept the financial statement. Motion, seconded by Mr. Applegate, carried.

Ms. Black notified the Board that she had been informed by the Finance and Administration budget office that due to statewide budget shortfalls, funds would be taken from each Board affiliated with the Division of Occupations and Professions for fiscal year 2004, including the Psychology Board, that an additional 2.5% may be taken from the Board's budget in fiscal year 2005. She stated that she would keep the Board informed as to the amount of the reductions.

## **COMPLAINTS**

Case 03-18 - A motion was made by Dr. Sobel to file and Formal Complaint and Notice of Administrative Hearing and Order in this matter. Motion, seconded by Mr. Applegate, carried. Drs. Eells and Davis recused from voting on the motion.

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Case 03-26 - The Board reviewed an initiating complaint and response from a psychologist upon summary by the Complaint Screening Committee with the assistance of counsel. A motion was made by Mr. Applegate to dismiss the initiating complaint for lack of evidence to support a violation of the law and regulations. Motion, seconded by Dr. Jefferson, carried. Drs. Eells and Davis recused from voting on the motion.

Case 03-27 - The Board reviewed an initiating complaint and response from a psychologist upon summary by the Complaint Screening Committee with the assistance of counsel. A motion was made by Dr. Sobel to dismiss the initiating complaint for lack of evidence to support a violation of the law and regulations. Motion, seconded by Dr. Jones, carried. Drs. Eells and Davis recused from voting on the motion.

Case 03-28 - The Board reviewed an initiating complaint and response from a psychologist upon summary by the Complaint Screening Committee with the assistance of counsel. A motion was made by Ms. Spear to open an investigation into this matter. Motion, seconded by Dr. Sobel, carried. Drs. Eells and Davis recused from voting on the motion.

Case 03-29 - The Board reviewed an initiating complaint and response from a psychologist upon summary by the Complaint Screening Committee with the assistance of counsel. A motion was made by Dr. Sobel to open an investigation into this matter. Motion, seconded by Dr. Shapiro, carried. Drs. Eells and Davis recused from voting on the motion.

E-mail was reviewed from Dr. Jones to Dr. Eells regarding behavioral analysts at Hazelwood Center providing psychological services without the benefit of proper credentials and without a license from the Board in apparent violation of KRS 319.005. A motion was made by Ms. Spear to file a Board initiated complaint against the behavioral analyst and the psychologist involved in this matter. Motion, seconded by Dr. Davis, carried. Dr. Jones recused from voting on the motion.

The Board reviewed recent newspaper articles regarding the investigation of Perry County Circuit Judge Douglas C. Combs, Jr. for hiring individuals, including his wife who is a licensed psychologist, to perform temporary functions for the court using state funds. A motion was made by Dr. Shapiro to file a Board initiated complaint against the psychologist in this matter. Motion, seconded by Dr. Jones, carried. Mr. Applegate recused from voting on the motion.

**COMMITTEE REPORTS**

**CONTINUING EDUCATION COMMITTEE**

No report

**EXAMINATION COMMITTEE**

Dr. Shapiro presented for the Board's review a statistical analysis of the failures of the oral examinations given on December 12, 2003. After review, the Board determined that there did not seem to be any type of pattern that would constitute a change in examination procedures.

The next oral examinations are scheduled for Friday, February 27, 2004.

**SUPERVISION COMMITTEE**

The Committee presented correspondence from Carmen Stoller Frederick, a psychological associate stating that she had been unable to find a continuing education course in child custody evaluation and visitation as required by the Board. Dr. Moore informed the Board that the Kentucky Psychological Association would be holding a three (3) day conference on child custody evaluations. The Board asked that staff draft

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correspondence to Ms. Frederick directing her to contact KPA regarding registration for this course since it would meet the requirements of the Settlement Agreement.

#### **CREDENTIALS REVIEW COMMITTEE**

Ms. Spear presented for the Board's review revised copies of the recommendation form for Licensed Psychologist and Licensed Psychological Associate. The Board requested that staff revise the forms as requested by the Board and e-mail them to Ms. Spear for final review.

#### **DISCIPLINED PSYCHOLOGISTS REPORT**

Correspondence was reviewed from Rodney Young, Psy.D. requesting termination of the remaining time of supervision per the Settlement Agreement entered into with the Board. The Board asked Dr. Eells to draft correspondence to Dr. Young notifying him that the Board must receive a letter from his supervisor, Dr. Jonason, requesting termination of supervision. Once such a written request is received from Dr. Jonason, the Board will review his request.

#### **EXPIRED LICENSURE/CERTIFICATE REPORT**

The Board reviewed a list of licensed psychologists/certified psychologists whose license/certificates had expired and had not been renewed within the ninety (90) day grace period. A motion was made by Mr. Applegate to send a certified letter to each individual notifying them that their license/certificate was being cancelled and that in order to be reinstated they would need to submit the appropriate renewal fee plus a penalty fee of \$100. Motion, seconded by Dr. Shapiro, carried.

#### **LEGISLATIVE AND REGULATORY ISSUES UPDATE**

The Board was provided a draft of the revisions to 201 KAR 26:115 Definition of psychological testing. Due to time constraints, the Board deferred this matter for the Board meeting to be held on February 2, 2004. Dr. Eells also asked that the Board plan to stay after the Board's regular meeting in February to work on regulation revisions.

#### **OLD BUSINESS**

The Board reviewed the psychological evaluation prepared by Stan Heck, Psy.D. addressing the competency to practice psychology for Donna Rogers, Psy.D., a previously disciplined psychologist applying for reinstatement. A motion was made by Dr. Shapiro to reinstate her license provided that she meet the following conditions, as allowed under the Settlement Agreement and ordered by the Board: 1) to undergo supervision on at least a weekly basis for a minimum of five (5) years; 2) to practice solely in a group or clinic setting for the period of probation; and 3) to submit to random drug screenings on a minimum frequency of once per month and as directed by her supervisor for the period of probation.

#### **NEW BUSINESS**

The Board discussed the need of copying correspondence to supervisors of temporary licensed psychologists and psychological associates. The Board requested that staff copy all correspondence to supervisors including test results with the actual score redacted.

E-mail was reviewed by the Board from Charles H. Morgan, Jr., Ph.D., asking if the Board would be interested in using archival data to determine the interrater reliability of the structured oral examination. He proposed to come to Frankfort with one or two graduate students to review files. The Board asked that Dr. Eells respond to the e-mail notifying Dr. Morgan that due to the Open Records Law, he could not have access to individual score sheets, but could have the proctor and summary score sheets with the names redacted in compliance with KRS 61.878(1)(a).

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Dr Moore, presented for the Board's review a proposal for a CE Registry provided by KPA to track and tally continuing education credits earned by participating psychologists. The Board expressed its interest in using such a service, but in order to do so, the relevant regulation would have to be amended.

E-mail was reviewed from Dr. Perritt regarding the listing of a Psychological Associate's supervisor on billings. The Board requested that Dr. Perritt respond stating that the supervisor did not need to sign the billing forms.

The Board reviewed and noted the ASPPB Board of Directors meeting minutes.

The Board reviewed a memorandum from ASPPB regarding the cost of ADA/Canadian Human Right Act. The accommodations will no longer be approved and paid for by ASPPB.

The Board reviewed and noted the Executive Order from the Governor appointing Barbara Kay Jefferson, Ph.D. as Board member.

A motion was made by Mr. Applegate to approve payment of travel expenses and per diem compensation for eligible members in attendance at today's meeting. Motion, seconded by Dr. Sobel, carried.

The next scheduled Board meeting is to be held on Monday, February 2, 2004, at 10:00 a.m. at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky.

The meeting adjourned at 1:30 p.m.

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*Tracy D. Eells* \_\_\_\_\_

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